

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

UNITED STATES OF AMERICA,

Plaintiff,

v.

MALCOM TORRES,

Defendant.

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No. CR 1:19-03333-001 WJ

DEFENDANT’S UNOPPOSED MOTION TO CONTINUE SENTENCING

Malcolm Torres, Defendant, by and through undersigned counsel Aric G. Elsenheimer, moves the Court to continue the sentencing hearing scheduled for July 19, 2023. Mr. Torres requests a continuance until the Court’s September 2023 calendar. In support, Mr. Torres states:

1. Mr. Torres pled guilty to Count 2 of the superseding indictment, charging second degree murder of a child, pursuant to 18 U.S.C. §§ 1152, 1111, and 3559(f)(1).

[Doc. 185]

2. Mr. Torres is in custody, being held in Torrance County Detention Facility.

3. Defense counsel needs additional time to review the Presentence Report with Mr. Torres, file any objections to the PSR, and to prepare a sentencing memorandum.

4. Due to the heavy press of cases, undersigned counsel requires additional time to conduct this investigation and prepare these sentencing pleadings.

5. Mr. Torres has entered into a Rule 11(c)(1)(C) plea agreement. Additional time will benefit Mr. Torres.

6. Counsel for the government, Jack Burkhead, does not oppose this motion. The government has asked that sentencing in this case not be scheduled during the week of August 7 through August 12 due to scheduling conflicts for family members of R.C. who would like to attend the sentencing hearing.

WHEREFORE, Mr. Torres, by and through undersigned counsel, respectfully requests that this Court continue the sentencing hearing as set forth above.

Respectfully submitted,

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